

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TIMOTHY McCRARY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-13-573-M
)	
JUSTIN JONES, Director ODOC;)	
ERIC FRANKLIN, Warden LARC;)	
LEON WILSON, Manager-Business)	
Office,)	
)	
Defendants.)	

ORDER

On January 26, 2015, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. § 2000cc, et. seq., and Oklahoma law alleging that defendants violated plaintiff’s constitutional and statutory rights. The Magistrate Judge recommended that defendants’ motion to dismiss be granted and that the complaint be dismissed without prejudice to refiling as to (1) plaintiff’s official-capacity claims for monetary and retrospective declaratory relief, and (2) official-capacity claims for prospective injunctive and declaratory relief. Further, the Magistrate Judge recommended that the complaint be dismissed with prejudice as to plaintiff’s individual capacity claims. Lastly, the Magistrate Judge recommended that the Court decline to exercise supplemental jurisdiction over plaintiff’s related state-law claims and dismiss those claims without prejudice. The parties were advised of their right to object to the Report and Recommendation by February 15, 2015. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 37] issued by the Magistrate Judge on January 26, 2015;
- (2) GRANTS defendants' motion to dismiss [docket no 31] as follows: plaintiff's official-capacity claims against defendants for monetary and retrospective declaratory relief and official-capacity claims for prospective injunctive and declaratory relief are DISMISSED without prejudice, and plaintiff's individual capacity claims against defendants are DISMISSED with prejudice; and
- (3) DECLINES to exercise supplemental jurisdiction over plaintiff's related state-law claims.

IT IS SO ORDERED this 27th day of February, 2015.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE